

FIRST REGULAR SESSION

SENATE BILL NO. 433

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS CALLAHAN AND RUPP.

Read 1st time February 5, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

1804S.011

AN ACT

To repeal section 288.042, RSMo, and to enact in lieu thereof one new section relating to veterans' unemployment compensation.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 288.042, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 288.042, to read as follows:

288.042. 1. For purposes of this [chapter] **section**, a "war on terror
2 veteran" is a [person] **Missouri resident** who serves or has served in the
3 military and to whom the following criteria apply:

4 (1) The person is or was a member of the **Missouri** national guard or a
5 member of a United States armed forces reserves unit **who was officially**
6 **domiciled in the state of Missouri immediately prior to deployment;**

7 (2) The person was deployed as part of his or her military unit at any time
8 after September 11, 2001, and such deployment caused the person to be unable
9 to continue working for his or her employer;

10 (3) The person was employed either part time or full time before
11 deployment; and

12 (4) A **Missouri court or United States district court located in**
13 **Missouri has found that** the person was [unemployed in] **discharged from**
14 **or laid off from** his or her nonmilitary employment [either] during
15 **deployment** or within thirty days after the completion of his or her deployment.

16 2. Notwithstanding any provisions of sections 288.010 to 288.500, any war
17 on terror veteran shall be entitled to receive **veterans'** unemployment
18 compensation benefits under this [chapter] **section**. A war on terror veteran
19 shall be entitled to a [maximum] weekly benefit **amount** of eight percent of the

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 wages paid to the war on terror veteran during that **calendar** quarter during
21 which the war on terror veteran earned the highest amount within the five
22 **completed calendar** quarters during which the war on terror veteran received
23 wages **immediately** before deployment. The maximum amount of a [maximum]
24 weekly benefit **amount** shall be one thousand one hundred fifty-three dollars and
25 sixty-four cents[, annually adjusted by the consumer price index].

26 3. A war on terror veteran shall be entitled to a [maximum] weekly
27 benefit **amount** for twenty-six weeks. **The division may collect erroneously**
28 **paid benefits in the manner provided in sections 288.160 and 288.170.**

29 4. Any employer who is found in any Missouri court or United States
30 district court located in Missouri to have terminated, demoted, or taken an
31 adverse employment action against a war on terror veteran due to his or her
32 absence while deployed shall be subject to an administrative penalty in the
33 amount of [twenty-five] **thirty-five** thousand dollars. The director of the
34 **division of employment security** shall take judicial notice of judgments in
35 suits brought under the Uniformed Service Employment and Reemployment
36 Rights Act (38 U.S.C. 4301). Such judgments may be considered to have a res
37 judicata effect on the director's determination. **The administrative penalty**
38 **shall be collectible in the manner provided in sections 288.160 and**
39 **288.170.**

40 5. A war on terror veteran shall [not] be considered to have [voluntarily
41 quit] **been discharged from** his or her employment if he or she is not offered
42 the same wages, benefits, and similar work schedule upon his or her return after
43 deployment.

44 6. There is hereby created in the state treasury the "War on Terror
45 Unemployment Compensation Fund", which shall consist of money collected under
46 this section **and such other state funds appropriated by the general**
47 **assembly**. The state treasurer shall be custodian of the fund and shall approve
48 disbursements from the fund in accordance with sections 30.170 and 30.180,
49 RSMo. Upon appropriation, money in the fund shall be used solely for the
50 administration, **including payment of benefits and refunds**, of this
51 section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary,
52 any moneys remaining in the fund at the end of the biennium shall not revert to
53 the credit of the general revenue fund. The state treasurer shall invest moneys
54 in the fund in the same manner as other funds are invested. Any interest and
55 money earned on such investments shall be credited to the fund.

56 7. The division of employment security may promulgate rules to enforce
57 this section. Any rule or portion of a rule, as that term is defined in section
58 536.010, RSMo, that is created under the authority delegated in this section shall
59 become effective only if it complies with and is subject to all of the provisions of
60 chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and
61 chapter 536, RSMo, are nonseverable and if any of the powers vested with the
62 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective
63 date, or to disapprove and annul a rule are subsequently held unconstitutional,
64 then the grant of rulemaking authority and any rule proposed or adopted after
65 August 28, 2006, shall be invalid and void.

✓

Bill

Copy